

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EZEKIEL DAVIS,)
vs. Plaintiff,) Case No. CIV-12-0295-HE
TRACY MCCOLLUM, ET AL.)
Defendants.)

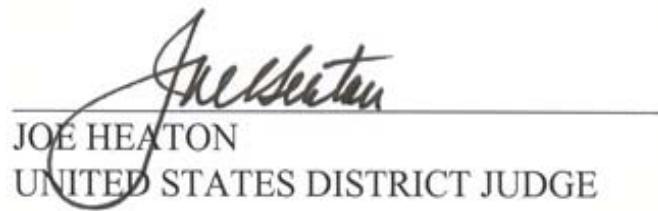
ORDER

Plaintiff Ezekiel Davis, a state prisoner appearing *pro se*, filed this civil rights action under 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach. Judge Bacharach has recommended that the complaint be dismissed without prejudice because plaintiff has failed to pay the required initial partial filing fee. Objections to the magistrate judge's report and recommendation were due by June 28, 2012.

Plaintiff, having failed to object to the report and recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St. 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Accordingly, the Report and Recommendation [Doc. #14] is **ADOPTED** and the complaint is **DISMISSED** without prejudice. A separate judgment will be filed contemporaneously with this order. Fed. R. Civ. P. 58(a).

IT IS SO ORDERED.

Dated this 20th day of August, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE